

Customer Number: 000959

DIVISIONAL-CONTINUATION APPLICATION TRANSMITTAL FORM

UNDER RULE 1.53(b) (former Rule 1.60)

DOCKET NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION:		PRIOR APPLICATION NUMBER: 09/041,371	PRIOR APPLICATION FILING DATE: MARCH 11, 1998
NCI-006DV2	CLASS:	SUBCLASS:	EXAMINER: D. RAO	ART UNIT: 1624

COMMISSIONER FOR PATENTS
BOX PATENT APPLICATION
WASHINGTON, DC 20231

CERTIFICATION UNDER 37 CFR 1.10

Date of Deposit: August 16, 2001

Mailing Label Number: EL 831 966 166 US

I hereby certify that this 37 CFR 1.53(b) request and the documents referred to as attached therein are being deposited with the United States Postal Service on the date indicated above in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR 1.10 and addressed to Commissioner for Patents, Box Patent Application, Washington, D.C. 20231.

Larry Taylor

Name of Person Mailing Paper

Signature of Person Mailing Paper

jc986 U.S. PTO
09/16/01
09/16/01

Dear Sir:

This is a request for filing a ☐ continuation ☒ divisional application under 37 CFR 1.53(b), of pending prior application no. 09/041,371 filed on March 11, 1998, of Donald F. Weaver, Paul H. Milne, Christopher Y.K. Tan, and John R. Carran entitled Anti-Epileptogenic Agents.

1. ☒ Enclosed is a copy of the latest inventor signed application, including the oath or declaration as originally filed. The copy of the enclosed papers is as follows:

- ☒ 73 page(s) of specification
☒ 15 page(s) of claims
☒ 1 page(s) of abstract
☒ 4 sheet(s) of (informal) drawing
☒ 6 page(s) of (unexecuted) declaration and power of attorney.

I hereby verify that the attached papers are a true copy of the prior complete application no. 09/041,371 as originally filed on March 11, 1998.

2. ☒ Small entity status was established in the prior application(s), and such status is still proper and hereby asserted under 37 CFR 1.28(c)(4)).
3. ☒ The filing fee is calculated below:

	NUMBER OF CLAIMS FILED			NUMBER EXTRA
TOTAL	* 23	MINUS	** 20	= 3
INDEP.	* 2	MINUS	*** 3	= 0
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS				

SMALL ENTITY	
RATE	FEE
x 9 =	\$ 27.00
x 40 =	\$0.00
+135 =	\$0.00
BASIC FEE	\$355.00
TOTAL	\$382.00

OR

OTHER THAN A SMALL ENTITY	
RATE	FEE
x 18 =	\$0.00
x 80 =	\$0.00
+ 270 =	\$0.00
BASIC FEE	\$0.00
TOTAL	\$0.00

OR

4. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required in connection with this communication, or credit any overpayment, to Deposit Account No. 12-0080. A duplicate copy of this sheet is enclosed.
5. ☒ A check in the amount of \$382.00 is enclosed for payment of the filing fee.
6. ☒ Cancel in this application original claims 2-67 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
7. ☒ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claims in the prior application.)
8. ☒ Amend the specification by inserting, before the first sentence, the following: "This application is a divisional of application no. 09/041,371 filed on March 11, 1998, pending, the contents of which are hereby incorporated by reference."
9. ☐ Please abandon said prior application as of the filing date accorded this application. A duplicate copy of this transmittal is enclosed for filing in the prior application file. (May be used if signed by person authorized by §1.138 and before payment of base issue fee.)
10. ☐ Transfer the drawings from the pending prior application to this application.
11. ☐ Priority of application no. _____ filed on _____ in _____ is claimed under 35 U.S.C. §119.
 - ☐ The certified copy has been filed in prior application serial no. _____ filed on _____.
 - ☐ The certified copy will follow.
12. ☒ The prior application is assigned of record to Queen's University at Kingston.
13. ☐ A _____ month extension of time has been submitted in the parent application no. _____ in order to establish copendency with the present application.
14. ☒ Also enclosed are New Formal Drawings (4 sheets) and a petition to correct inventorship under Rule 1.48(d).
15. ☒ The power of attorney in the prior application is to Lahive & Cockfield, LLP.
 - a. ☒ The power appears in the original papers in the prior application.
 - b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
 - c. ☐ A new power has been executed and is attached.
16. ☒ Address all future communications (May only be completed by applicant, or attorney or agent of record) to Giulio A. DeConti, Jr., Esq. at **Customer Number: 000959** whose address is:

Lahive & Cockfield, LLP
28 State Street
Boston, Massachusetts 02109

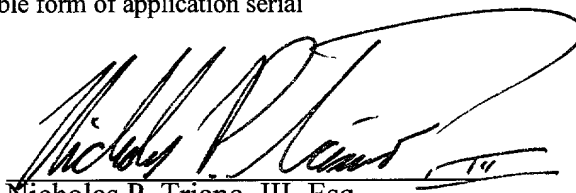
17. ☒ Any requests for extensions of time necessary in a parent application for establishing copendency between this application and a parent application are hereby requested and the Commissioner is authorized to charge any fee associated with such an extension to Deposit Account No. 12-0080.

18. ☐ Pursuant to 37 CFR 1.821(e), the computer readable form of the sequence listing for this new application is to be identical with the computer readable form of application serial no. _____. Please use the computer readable form of application serial no. _____ in lieu of filing a duplicate computer readable form in this application. Pursuant to 37 CFR 1.821(f), the content of the paper copy of the sequence listing for this new application and the computer readable form of application serial no. _____ are the same.

August 16, 2001

Date

LAHIVE & COCKFIELD, LLP
28 State Street
Boston, Massachusetts 02109
Tel. (617) 227-7400



Nicholas P. Triano, III, Esq.

Reg. No. 36,397

☐ inventor(s) ☐ filed under §1.34(a)

☐ assignee of complete interest

☒ attorney or agent of record

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Weaver *et al.*
Application No.: New Application
Filed: August 15, 2001
For: Anti-Epileptogenic Agents
Attorney Docket No.: NCI-006DV2

Group Art Unit: Unassigned

Examiner: Unassigned

Commissioner for Patents
Box Patent Application
Washington, D.C. 20231

PETITION TO CORRECT INVENTORSHIP

This petition under 37 C.F.R. § 1.48(b) is to delete the names of Messrs. Tan and Milne originally named as inventors of this patent application. The new U.S. application submitted concurrently herewith, which claims the benefit under 35 U.S.C. § 120 to co-pending U.S. Application No. 09/041,371, filed March 11, 1998, no longer claims the inventions of these persons. Applicants therefore respectfully request that the inventorship be corrected to include only the two inventors whose inventions are being claimed, namely inventors Donald F. Weaver and John R. Carran.

Enclosed is a check which includes the appropriate petition fee of \$130.00 pursuant to 37 CFR 1.17(i). Please charge any underpayments or credit any overpayments to our Deposit Account No. 18-0020. A duplicate of this sheet is enclosed.

CERTIFICATE OF EXPRESS MAILING

"Express Mail" mailing label number EL 831 966 166 US

Date of Deposit August 16, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to **Commissioner for Patents, Box Patent Application, Washington, DC 20231**

Signature

Larry Taylor

Printed Name of Person Signing

Respectfully submitted,
LAHIVE & COCKFIELD LLP

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